

December 5, 2019

**To:** Mike Hermanson – Spokane County Environmental Services

**From:** Carl Einberger, LHG, Aspect Consulting, LLC  
Dan Haller, PE, Aspect Consulting, LLC

**Re:** **Summary of WRIA 55 Planning Unit Meeting #5 – November 13, 2019**  
**ESSB 6091/RCW 90.94 Watershed Plan Update**

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### ***Background***

The passage of Engrossed Substitute Senate Bill (ESSB) 6091, as codified by RCW 90.94, requires that an update to the existing watershed plan for Water Resource Inventory Area (WRIA) 55, the Little Spokane Watershed, be approved by the Washington Department of Ecology (Ecology) by February 1, 2021. Spokane County Environmental Services is serving as the lead agency for this process. The WRIA 55 Initiating Governments for the watershed planning process are Spokane County, Stevens County, Pend Oreille County, the City of Spokane, and Whitworth Water District. The process is supported by convening the WRIA 55 Planning Unit to review technical tasks and memorandums, policy decisions, and the pending watershed plan update. Aspect Consulting, LLC (Aspect) has been contracted by Spokane County to facilitate planning unit meetings. Conduct supporting technical tasks and prepare the watershed plan update.

The Washington Department of Ecology (Ecology) issued initial policy interpretations on ESSB 6091 in March 2018, including its interpretation that the requirement to update the watershed plan is limited to the objectives of the new legislation, with a complete update of all the elements of the original watershed plan not required. Based on this interpretation and the requirements of ESSB 6091 and RCW 90.94, the current watershed planning process is focusing on establishing future exempt well demand in WRIA 55 on a 20-year planning horizon and determining feasible and appropriate actions to offset potential impacts to instream flows associated with permit exempt domestic water use.

The November 13, 2019 WRIA 55 Planning Unit meeting, held at the Spokane County Water Resource Center, was the fifth meeting convened under this process. The meeting agenda is attached to this summary. The primary topics included:

- Discussion of the Net Ecological Benefit (NEB) Evaluation
- Status update on offset project development, including:
  - Water Right Acquisition Status
  - Managed Aquifer Recharge Investigations
  - Eloika Lake Storage Project
  - Non-Water Offset Projects
- Outline of the Watershed Plan Update process, including required elements, recommended elements, and other considerations.

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- Schedule update

***Meeting Attendees***

The following attendees were present at the November 13, 2019 meeting:

- Mike Hermanson, Spokane County
- Amy Sumner, Spokane County
- Rob Lindsay, Spokane County
- Josh Kerns, Spokane County Commissioner
- Greg Snow, Pend Oreille County
- Erik Johansen, Stevens County
- Tim Murrell, Whitworth Water District
- Brandy Reynecke, Ecology
- Dan Haller, Aspect Consulting
- Carl Einberger, Aspect Consulting
- Dan Kegley, City of Spokane
- Suze Johns, League of Women Voters
- Casey Flanagan, Spokane Tribe
- Bruce Wakefield, Colville Tribes
- Ken Merrill, Kalispel Tribe
- Greg Sweeney, Eloika Lake Association
- Amanda Parrish, The Lands Council
- Lindell Haggin, Friends of the Little Spokane River Valley/Audubon
- Dave Schaub, Inland NW Land Conservancy
- Julie Loveall, Stevens County Farm Bureau
- Joe Olmsted, Spokane County Farm Bureau
- Roger Krieger, City of Deer Park

***Meeting Summary***

Dan Haller (Aspect) led the discussion in his role as lead facilitator with facilitation and technical presentation support from Carl Einberger (Aspect). Brandy Reynecke (Ecology) and Mike Hermanson (Spokane County) also contributed to the presentations and discussions.

Key topics addressed in the discussion are summarized below and additional information can be found in the attached presentations:

- Introductions and a review of the meeting agenda was presented.
- The 5-step implementation process for the watershed plan update that was previously presented to the Planning Unit was reviewed:
  - Step 1: Define 20-year exempt well consumptive use impacts
  - Step 2: Define water-for-water projects at WRIA 55 watershed scale
  - Step 3: Define mitigation gaps in time and space at subbasin scale
  - Step 4: Define list of Net Ecological Benefit (NEB) projects

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- Step 5: Determine NEB for WRIA 55, consensus recommendation on watershed plan update & Initiating Governments' approval
- A presentation (attached) reviewing key points from the final guidance for determining Net Ecological Benefit (NEB) was given by Brandy Reynecke (Ecology). Brandy covered topics including:
  - What is the NEB guidance and why does it matter?
  - Who should use it, with reference to the WRIA 55 Planning Unit and the current planning process.
  - The requirement for adequate establishment of NEB under the planning process in order to obtain approval and adoption by Ecology of an updated watershed plan under RCW 90.94.
  - The timing of NEB project implementation (it is not required that all water and non-water offset projects to be completed by the date of plan approval).
  - The Planning Unit's role in determining the appropriate amount of benefits beyond water for water offsets, and in approving a plan for submittal to Ecology.
  - Required plan elements.
  - Evaluation of water and non-water offsets, and adaptive management.
  - The role of Ecology in making a final determination of NEB and adopting the plan.
- Additional discussion of NEB followed with facilitation by Dan Haller, including discussion of key future decisions by the Planning Unit, such as which water and non-water offset projects to include in the plan. Several questions and comments were discussed:
  - In response to a question about what happens if water for water offset isn't possible, Brandy Reynecke acknowledged it may not always be feasible in all subbasins, but then non-water (habitat) projects can be used as infill to compensate.
  - In response to a question on whether there is any push in the legislature to prevent corporations from buying up water rights, Dan Haller noted that Ecology is interviewing water banking entities and managers to gather information and perspectives to support determination of legislative needs.
  - Ken Merrill (Kalispel Tribe) asked about the metrics for measuring success and how overappropriated watersheds are addressed. Brandy Reynecke noted that the law focuses on offsets, but habitat projects aren't readily quantified. Dan Haller noted that the goal is to have locally derived recommendations.
  - Julie Loveall (Stevens County Farm Bureau) commented that given the time frame required for a completed plan, the Planning Unit should stay focused on getting projects and not on expanding the scope of the plan update.
  - In response to a question on what potential regulatory actions could be included in a plan that would result in a water offset, Brandy Reynecke noted the potential for county ordinances restricting water use further as an example. Dan Haller noted that in the Nisqually (WRIA 11) plan, projects included adding rural wells to public water systems, and that limiting water use would be more controversial. It should

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- be noted that there has been no discussion of including local regulatory actions in the watershed plan update.
- Casey Flanagan (Spokane Tribe) noted that the plan will list specific projects, but is Ecology going to make sure they happen? Brandy Reynecke stated that the responsibility for implementation ultimately falls on the Planning Unit. There will be funding for some projects, with no matching funds required. Mike Hermanson pointed out that the WRIA 11 plan adoption requires an annual report and 5-year review be submitted to Ecology. Erik Johansen noted that part of the planning process is essentially a risk assessment, with projects that rise to the top going into the plan. Dan Haller suggested that there is a Growth Management Act risk to counties if they aren't meeting requirements of the law, but 100% certainty on project implementation isn't possible during plan development.
  - Ken Merrill commented on the recent expansion of the Spokane County sewer collection system in the Deadman Creek subbasin that is moving homes off septic and onto county sewer service, reducing recharge, and questioned whether this was accounted for in demand estimates. Mike Hermanson replied it is not accounted for, because these aren't exempt wells.
- An update on the status of water offset project development was provided by Carl Einberger and Mike Hermanson:
    - Water right acquisition status. Carl Einberger noted that Ecology funding is in place and negotiation of Purchase and Sale Agreements is in progress, with preparation of water right transfer documents pending.
    - Managed aquifer recharge (MAR). Carl Einberger reminded that Planning Unit that two technical workshops on MAR project development have been held and were open to all Planning Unit participants. A brief overview of the selections process was discussed, with 18 sites investigated and 9 sites that appear to have flow benefits. This was followed by an update on the status of field investigations at three target sites where infiltration testing was conducted. Two sites located on Spokane County land responded favorably to the testing and are pending installation of monitoring wells and water quality testing (a Bear Creek/Milan Rd site and a Dry Creek site).
    - Eloika Lake Storage Project. An overview of this potential project was given to the Planning Unit. Mike Hermanson noted that the project was identified in the previous watershed planning process, and several evaluations have been completed, including a storage investigation, hydraulic analysis, wetland restoration feasibility, and property owner outreach. An estimated 1,400 acre-feet/year of water offset benefits are estimated for the project. Additional evaluation of next steps and a potential watershed restoration grant application are moving forward.
    - Habitat Projects. Mike Hermanson reviewed a list of available habitat information sources for WRIA 55, along with available mapping of instream habitat needs for redband trout. He also noted identified needs for instream temperature improvements. He noted that a meeting was convened as part of this planning process to discuss potential habitat projects. Meeting participants included the

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Spokane Tribe, Ecology, and the Spokane Conservation, with additional follow up with WDFW and the Pend Oreille Conservation District.

- A map of WRIA 55 illustrating currently identified water offset projects by subbasin and total combined offsets was presented by Carl Einberger. Projects included in the tally are water right acquisitions, potential MAR project locations, and the Eloika Lake storage project. Identified water offset projects totaled 3,503 acre-feet/year, compared to an estimated demand range of 1,647 to 2,191 acre-feet/year, indicating a significant surplus in potential water offsets tallied basinwide. Several subbasins do have deficits indicated where potential non-water offset projects can be considered.
- Additional Planning Unit discussion of potential offset projects included:
  - Tim Murrell (Whitworth Water District) noted that Eloika Lake looks like a relatively low-cost project relative to the benefit. Greg Sweeney (Eloika Lake Association) noted that public support for the project increased as property owners around the lake learned more about the potential benefits. Casey Flanagan (Spokane Tribe) suggested that investigations look at fish impacts, including temperature and potential impacts on spawning from changes in flows. Amanda Parrish (Lands Council) voiced a concern about the significant volume associated with the Eloika Lake project relative to other projects. Dan Haller noted that previous studies indicated that even in a drought year, Eloika lake would be able to provide the 1,400 acre-feet/year of benefit.
  - Tim Murrell discussed a project that the Whitworth Water District is pursuing, to transfer 500 acre-feet/year in District water use from WRIA 55 municipal wells to Spokane Valley-Rathdrum Prairie (SVRP) aquifer municipal wells. He noted it does have significant benefits for WRIA 55 instream flows, but more investigation of impacts on the SVRP aquifer are needed. Mike Hermanson noted that this change would only impact mainstem of the Spokane River because the additional withdrawals would be from the lower unit of the SVRP which is not believed to be connected to the Little Spokane River, and would thus be a net benefit to flows in WRIA 55.
  - Dan Haller noted that adaptive management could include future reviews of projects implemented versus actual new demand. He also noted that the Planning Unit should be able to swap in projects in the future, like new water right purchase opportunities, as part of adaptive management.
  - Julie Loveall reminded the Planning Unit that there is only one chance on the Ecology NEB determination.
  - Casey Flanagan noted the challenge with having specific habitat projects ready. Normally the funding is in place and then projects are identified, but this is reversed.
  - Mike Hermanson reminded the Planning Unit that Ecology funding for facilitation, coordination, and project development stops after the plan is adopted. Casey Flanagan added that the plan can be a reference for securing future projects.
- An overview of the watershed plan update process was provided by Dan Haller, including a review of required elements (such as consumptive use estimates and offset project details), recommended components (such as the Planning Units NEB evaluation and adaptive

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management approaches), and other considerations that could be included but are not required (such as climate change). He also described potential policy decisions for the Planning Unit associated with potential recommendations (such as fee modifications) under RCW 90.94.020(4)(d) and noted that in WRIA 59 (Colville) the Planning Unit recommended no changes to the fee or water use amounts specified in RCW 90.94 .

- A review of key schedule milestones was discussed, including:
  - Mid-March 2020 - Draft project memorandum with water and non-water offset project list and descriptions distributed to Planning Unit
  - Early April 2020 – Planning Unit Meeting focused on discussion of project memorandum, including expected benefits, expected feasibility, O&M needs, etc, and with written comments due in 4 weeks after meeting.
  - Late May 2020 - Follow up meeting to discuss comments on project list and reach consensus.
  - Late July 2020 – Reviewing draft watershed plan, including Net Ecological Benefit evaluation (NEB evaluation memo distributed prior to meeting), policy evaluation, and a resolution of issues.
  - Early September 2020 - Final plan discussion and approval

## Attachments:

Attachment 1 – Agenda for November 13, 2019 WRIA 55 Planning Unit Meeting

Attachment 2 – PowerPoint Presentation for November 13, 2019 WRIA 55 Planning Unit Meeting

Attachment 3 – Ecology Presentation on Final Guidance for Determining Net Ecological Benefit

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